

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

DONNA CURLING, ET AL.

Plaintiffs,

v.

BRIAN KEMP, ET AL.

Defendants.

**Civil Action
No. 1:17-cv-02989-AT**

**COALITION PLAINTIFFS’ OPPOSITION TO PLAINTIFFS CURLING,
PRICE AND SCHOENBERG MOTION FOR EXTENSION OF TIME**

Plaintiffs Coalition for Good Governance, Laura Digges, William Digges, and Ricardo Davis (the “Coalition Plaintiffs”) respectfully respond in opposition to Motion for Extension of Time to Respond to Coalition Plaintiffs’ Motion for Leave to Amend (Doc. 170) filed April 13, 2018 by Plaintiffs Donna Curling, Donna Price, and Jeffrey Schoenberg (“Curling Plaintiffs”) In opposition thereto, Coalition Plaintiffs state as follows:

1. On April 4, 2018, the Coalition Plaintiffs filed their motion for leave to file a proposed third amended complaint (the “TAC”) in respect of their claims. (Doc. 160.)
2. Because this case concerns voting rights and the general election is scheduled for November 2018, only approximately seven months away, the Coalition

Plaintiffs wish to move this case forward promptly. This is particularly important because Coalition Plaintiffs intend to file a motion for preliminary injunction aimed at avoiding the complained-of constitutional violations no later than the November 2018 general election.

3. Given the urgency of the issue, on March 27, 2018, immediately upon learning of Curling Plaintiff's engagement of counsel Halsey Knapp, counsel for Coalition Plaintiffs contacted Mr. Knapp and outlined the concepts in the TAC draft, including the intended claims and the proposed reduction of the number claims and parties, and expressed Coalition Plaintiff's desire to have Curling Plaintiffs join the TAC and related motion for leave to amend. (Doc. 160).
4. On April 2, 2018, Coalition counsel transmitted the draft TAC to Curling Plaintiff counsel at the Morrison & Foerster and Krevolin & Horst firms, inviting Curling Plaintiffs to join in the TAC, although such invitation was not accepted prior to the April 4, 2018 filing of the Coalition Plaintiff's motion for leave to amend.
5. On April 13, 2018 prior to Curling Plaintiffs' filing of the above referenced Motion for Extension of Time (Doc 170), Curling Plaintiffs' counsel David Cross advised Coalition Plaintiffs' counsel that Curling Plaintiffs would not

be joining in the proposed TAC and would proceed on the Second Amended Complaint (Doc.70).

6. The Court's Standing Order (Doc.11) Rule III b. requires that motions for extension of time "explain with specificity the unanticipated or unforeseen circumstances necessitating the extension[.]" Curling Plaintiffs' Motion fails to explain what such circumstances might have been.
7. Given that Curling Plaintiffs do not intend to join the TAC, and Coalition Plaintiffs seek to avoid unnecessary delays that would prejudice their ability to seek prompt relief to protect the 2018 elections, the Curling Plaintiffs' Motion for Extension of Time should be denied.

WHEREFORE, the Coalition Plaintiffs object to Curling Plaintiffs' Motion for Extension of Time and respectfully request the Court to deny the same.

Dated: April 16, 2018

Respectfully submitted,

/s/ William Brent Ney
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CERTIFICATE OF SERVICE

This to certify that I have this day caused the within and foregoing **“Coalition Plaintiff’s Opposition to Plaintiff’s Curling, Price and Schoenberg Motion for Extension of Time”** to be served upon all other parties in this action using the PACER CM/ECF system which will automatically send email notification of such filing to all attorneys of record, as authorized by LR 5.0(A), NDGA.

Dated: April 16, 2018

Respectfully submitted,

/s/ William Brent Ney

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